



**POWER OF ATTORNEY BY ASSIGNEE TO EXCLUSION OF INVENTOR UNDER  
37 C.F.R. § 3.71 WITH REVOCATION OF PRIOR POWERS**

#4  
DBW/A  
5-7-02

**Inventors:** James M. Avery  
**Title:** METHOD FOR MERGING A PLURALITY OF DATA STREAMS INTO A SINGLE DATA STREAM  
**Filing Date:** 7/13/2001  
**Serial Number:** 09/905,483  
**Group Art Unit:** 2661  
**Examiner:** Unknown


The undersigned ASSIGNEE of the entire interest in the above-identified application for letters patent hereby appoints Kenneth Olsen, Reg. No. 26,493, Timothy J. Crean, Reg. No. 37,116, Alexander E. Silverman, Reg. No. 37,940, Anirama R. Gupta, Reg. No. 38,275, Sean P. Lewis, Reg. No. 42,798, Michael J. Schallopp, Reg. No. 44,319, Bernice B. Chen, Reg. No. 42,403, Noreen A. Krall, Reg. No. 39,734, Monica D. Ward, Reg. No. 40,696, Marc D. Foodman, Reg. No. 34,110, Elaine Lee, Reg. No. 41,936, Hugh Matsubayashi, Reg. No. 43,779, Paul D. Sorkin, Reg. No. 39,039, Marilyn E. Glaubensklée, Reg. No. 35,521, Andrew Chen, Reg. No. 43,544, Jeffrey L. Myers, Reg. No. 44,252, and Pavel Pogodin, Reg. No. 48,405, all of Sun Microsystems, Inc., and A. Richard Park, Reg. No. 41,241, Daniel E. Vaughan, Reg. No. 42,199, Hoyt A. Fleming III, Reg. No. 41,752, and Edward J. Grundler, Reg. No. P-47,615, of Park, Vaughan & Fleming LLP, to prosecute this application and transact all business in the United States Patent and Trademark Office in connection therewith and hereby revokes all prior powers of attorney; said appointment to be to the exclusion of the inventors and the inventors' attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

The following evidentiary documents establish a chain of title from the original owner to the Assignee:


- ☒ a copy of an Assignment attached hereto, which Assignment has been (or is herewith) forwarded to the Patent and Trademark Office for recording; or
- ☐ the Assignment recorded on \_\_\_\_\_ at reel \_\_\_\_\_, frames \_\_\_\_\_ - \_\_\_\_\_.

Pursuant to 37 C.F.R. § 3.73(b) the undersigned Assignee hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, title is in the identified ASSIGNEE.

**ASSIGNEE:** Sun Microsystems, Inc.  
**Name:** Kenneth Olsen  
**Title:** Vice President, Intellectual Property

  
Signature

February 6, 2002  
Date

| Correspondence Address   |                             |   |                |            |                |
|--|-----------------------------|---|----------------|------------|----------------|
| <input checked="" type="checkbox"/> <i>Customer Number or Bar Code Label</i> |                             | <br><b>28422</b><br>PATENT TRADEMARK OFFICE |                |            |                |
| <i>or</i>  |                             |   |                |            |                |
| <input type="checkbox"/> <i>Correspondence Address Below</i>                 |                             |   |                |            |                |
| <i>Name</i>  | Park, Vaughan & Fleming LLP |   |                |            |                |
| <i>Address</i>   | P.O. Box 3045               |   |                |            |                |
| <i>City</i>  | Boise                       | <i>State</i>  | ID             | <i>Zip</i> | 83703          |
| <i>Country</i>   | USA                         | <i>Telephone</i>  | (208) 336-5237 | <i>Fax</i> | (208) 342-5363 |

**CORPORATE ASSIGNMENT**

WHEREAS, the undersigned, James M. Avery, having an address of 8 Rome Drive, Westford, MA 01886, hereinafter termed "Inventor(s)", have invented certain new and useful improvements in

**METHOD FOR MERGING A PLURALITY OF DATA STREAMS INTO A SINGLE DATA STREAM**

and have executed a declaration or oath for an application for a United States patent disclosing and identifying the invention:

☒ On the 9 day of July, 2001;

Or

☐ Said application having Application Number \_\_\_\_\_ and filed on \_\_\_\_\_; and

WHEREAS, Sun Microsystems, Inc., a corporation of the State of Delaware, having a place of business at 901 San Antonio Road, Palo Alto, CA 94303, (hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventor(s) (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventor(s) to have been received in full from said Assignee:

1. Said Inventor(s) do hereby sell, assign, transfer and convey unto said Assignee the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a divisional, substitution, continuation, or continuation-in-part of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.

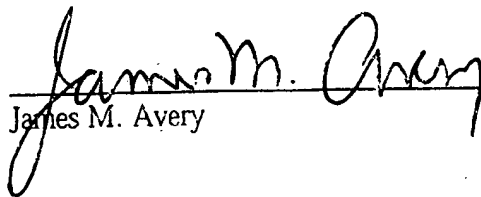
2. Said Inventor(s) hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right, title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventor(s) shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (d) for filing and prosecuting applications for reissuance of any said patents; (e) for interference or other priority proceedings involving said invention; and (f) for legal proceedings involving said invention and any applications therefore and any patents granted thereon, including without limitation reissues and reexaminations, opposition proceedings, cancellation proceedings,

priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventor(s) in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventor(s), their respective heirs, legal representatives and assigns.

4. Said Inventor(s) hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, said Inventor(s) have executed and delivered this instrument to said Assignee as of the dates written below.

  
James M. Avery

07/09/01  
Date

|  |                      |                |
|--|----------------------|----------------|
| <b>TRANSMITTAL FORM</b><br>(To be used for all correspondence after initial filing)<br>Total Number of Pages in this Submission: 5 | Application No.      | 09/905,483     |
|  | Filing Date          | 7/13/2001      |
|  | First Named Inventor | James M. Avery |
|  | Group Art Unit       | 2661           |
|  | Examiner Name        | Unknown        |
| Attorney Docket No.  |                      | SUN-P5493-MDF  |

**ENCLOSURES (check all that apply)**

|   |  |   |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee attached<br><input type="checkbox"/> Amendment/Response<br><input checked="" type="checkbox"/> After Final<br><input type="checkbox"/> Affidavit/Declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts Notice/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53<br><input type="checkbox"/> Check for \$ _____<br><input checked="" type="checkbox"/> Return Receipt Postcard | <input type="checkbox"/> Assignment Papers for an application<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input checked="" type="checkbox"/> Power of Attorney by Assignee, with Revocation of Former Powers<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Small Entity Statement<br><input type="checkbox"/> Request for Refund | <input type="checkbox"/> After-Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Additional Enclosure(s): |
|---|--|---|


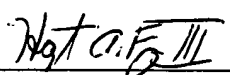
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Remarks:

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

|           |   |   |           |                |
|-----------|---|---|-----------|----------------|
| Name      | Hoyt A. Fleming III   | <br>28422<br>PATENT TRADEMARK OFFICE | Date      | 04/09/2002     |
| Signature |  |   | Telephone | (208) 336-5237 |
| Address   | Park, Vaughan & Fleming LLP,<br>P.O. Box 3045, Boise, ID 83703                      |   | Facsimile | (208) 342-5363 |

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U. S. Postal Service as ☐ Express Mail or ☒ First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on 4/9/2002.

|                      |                   |           |  |
|----------------------|-------------------|-----------|--|
| Type or Printed Name | Teresa A. Fleming | Signature |  |
|----------------------|-------------------|-----------|--|